



File ACT/023/004
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April 22, 1985

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APR 25 1985

Luis M. Nido
Bracewell & Patterson
1825 Eye Street, N. W.
Washington, D.C. 20006


DIVISION OF OIL
GAS & MINING

SOUTHWESTERN CEMENT ENTERPRISES, INC.
TRANSFER OF PLAN OF OPERATIONS FROM
MARTIN MARIETTA CORPORATION

As requested, we are enclosing copy of the Reclamation Performance Bond with Appendix which has been executed by Federal Insurance Company and signed by W. J. Conway, President of Southwestern Cement Enterprises, Inc.

As we mentioned to you, when we forwarded the bonds for signature, we asked that Southwestern Cement Enterprises forward the original bond to J. Kent Taylor, Forest Supervisor at United States Forest Services, 115 East 900 North, Richfield, UT 84701.

This copy is for your file.


CHARLES H. HARPER, PRESIDENT
CHH:lm

Encl.

cc: Pamela Grubuagh-Littig
Reclamation Engineer
Natural Resources-Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

← THIS COPY FOR

Susan Rasmussen
Southwestern Portland Cement Company
4885 South 900 East
Salt Lake City, Utah 84117

INSURANCE • BONDING • RISK MANAGEMENT

RECLAMATION PERFORMANCE BOND

(Minerals Operating Plan and/or Exploration Permit, Including Geothermal)

(Reference FSM 6506)

INSTRUCTIONS: (1) This form is authorized for use whenever a Performance Bond is required in connection with National Forest Reclamation Activity. (2) The full legal name and business address of the Principal shall be inserted in the space designated 'Principal' on the face of this form. The bond shall be signed by an authorized person. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority must be furnished. (3) Corporations executing the bond as sureties must be among those appearing on the Treasury Department's list of approved sureties and must be acting within the limitations set forth therein. (4) Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the work 'Seal', and, if executed in Maine or New Hampshire, shall also affix an adhesive seal. (5) The name of each person signing this bond should be typed in the space provided.

Principal (Legal name and business address)

Southwestern Cement Enterprises, Inc.
3055 Wilshire Boulevard
Los Angeles, California 90010

Date Bond Executed

April 11, 1985

Type of Organization (X Appropriate Box)

☐

Individual

☐

Partnership

☐

Joint Venture

☒

Corporation

Surety(ies) (Name(s) and business address(es))

Federal Insurance Company
15 Mountain View Road
Warren, New Jersey

State of Incorporation

Delaware

PENAL SUM OF BOND

Million(s) \$	Thousand(s) \$	Hundred(s) \$
-	386	000

KNOW ALL MEN BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum for the payment of which we bind ourselves, and each of our heirs, executors, administrators, and successors, jointly and severally: Provided, That, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum 'jointly and severally' as well as 'severally' only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

SCHEDULE OF OPERATING PLANS - REGION Four

Name of National Forest	Operating Plan Number	Date	Amount Allocated to Operating Plan (\$)	Amount of Allocated Restored (\$)	Date Restored	Unallocated Balance (\$)
Fishlake						

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas the Principal has an interest in the Operating Plans identified in the Schedule of Operating Plans above; and


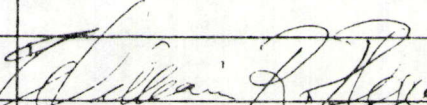
WHEREAS, the Principal and Surety agree that, without notice of the surety, the coverage of this bond, in addition to the present operating plans of the Principal, shall extend to and include:

1. Any operating plan approved by the Forest Service and issued to the Principal in the Region or Forests named above, or later named in a rider, the coverage to become effective immediately upon approval by the Forest Service.
2. Any operating plan hereafter approved by the Forest Service in the Region or Forests named above, to become effective immediately upon approval by the Forest Service.
3. Any extension of the operating plan, such coverage to continue without interruption due to expiration of the operating plan.
4. Any modification of an operating plan, include obligations thereunder, whether made by agreement, suspension of operations, or otherwise; and

WHEREAS, the Principal and Surety hereby agree that notwithstanding the termination of any operating plan covered by this bond, the bond shall remain in full force and effect as to all remaining operating plans covered by this bond.

NOW, THEREFORE, if the Principal shall: Perform and fulfill all the reclamation provisions of all operating plans referred to in the Schedule of Operating Plans and shall also perform and fulfill all the reclamation provisions of any and all duly authorized modifications of said operating plans that may hereafter be made, then the above obligations are to be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this reclamation bond and have affixed their seals on the date set forth above.

PRINCIPAL			
Signature(s)	1.  (Seal)	2. _____ (Seal)	Corporate Seal
Name(s) and Titles (Typed)	1. W. J. Conway President	2. _____	
SURETY(IES)			
Name and Address	Federal Insurance Company 15 Mountain View Road Warren, New Jersey	State of Inc. NJ	Liability Limit \$386,000.
Signature(s)		2. _____	Corporate Seal
Name(s) and Titles (Typed)	1. William R. Plegge Attorney-in-Fact	2. _____	
Bond Premium	Rate Per Thousand \$ 250,000. @ 3.75 Per M 136,000. @ 3.00 Per M	Total \$ 1,346.00	

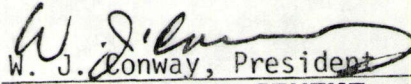
Remarks

APPENDIX TO RECLAMATION BOND NO. _____
COMPLIANCE WITH THE UTAH MINED LAND RECLAMATION ACT

1. The operator shall reclaim non-federal lands disturbed by the operation as required by the Utah Mined Land Reclamation Act of 1975, Section 40-8-1, etc., Utah Code Annotated 1953.

2. Prior to release of this bond, the Fishlake National Forest shall obtain written approval from the Division of Oil, Gas & Mining, State of Utah.

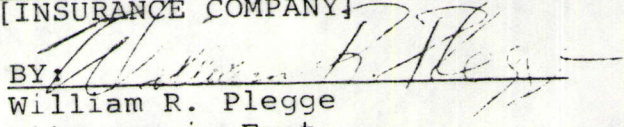
The parties to the surety arrangements agree to the above conditions this 11th day of April, 1985.


W. J. Conway, President
SOUTHWESTERN CEMENT
ENTERPRISES, INC.

STATE DIVISION OF OIL, GAS
& MINING

FISHLAKE NATIONAL FOREST

FEDERAL INSURANCE COMPANY
[INSURANCE COMPANY]

BY: 
William R. Plegge
Attorney-in-Fact

37LMNS/BB

POWER OF ATTORNEY

Know all Men by these Presents, That the **FEDERAL INSURANCE COMPANY**, 15 Mountain View Road, Warren, New Jersey, a New Jersey Corporation, has constituted and appointed, and does hereby constitute and appoint **Charles C. Campbell, Charles H. Harper, William B. Plegge, Linda Frey and Dale E. Temple of Little Rock, Arkansas**-----
each its true and lawful Attorney-in-Fact to execute under such designation in its name and to affix its corporate seal to and deliver for and on its behalf as surety thereon or otherwise, bonds of any of the following classes, to-wit:

1. Bonds and Undertakings filed in any suit, matter or proceeding in any Court, or filed with any Sheriff or Magistrate, for the doing or not doing of anything specified in such Bond or Undertaking.
2. Surety bonds to the United States of America or any agency thereof, including those required or permitted under the laws or regulations relating to Customs or Internal Revenue; License and Permit Bonds or other indemnity bonds under the laws, ordinances or regulations of any State, City, Town, Village, Board or other body or organization, public or private; bonds to Transportation Companies, Lost Instrument bonds; Lease bonds, Workers' Compensation bonds, Miscellaneous Surety bonds and bonds on behalf of Notaries Public, Sheriffs, Deputy Sheriffs and similar public officials.
3. Bonds on behalf of contractors in connection with bids, proposals or contracts.

In Witness Whereof, the said **FEDERAL INSURANCE COMPANY** has, pursuant to its By-Laws, caused these presents to be signed by its Assistant Vice-President and Assistant Secretary and its corporate seal to be hereto affixed this 1st day of January 19 84

Corporate Seal



Richard D. O'Connor

Assistant Secretary

FEDERAL INSURANCE COMPANY
By

George McClellan

Assistant Vice-President

STATE OF NEW JERSEY
County of Somerset

SS.

On this 1st day of January 19 84, before me personally came Richard D. O'Connor to me known and by me known to be Assistant Secretary of the **FEDERAL INSURANCE COMPANY**, the corporation described in and which executed the foregoing Power of Attorney, and the said Richard D. O'Connor being by me duly sworn, did depose and say that he is Assistant Secretary of the **FEDERAL INSURANCE COMPANY** and knows the corporate seal thereof, that the seal affixed to the foregoing Power of Attorney is such corporate seal and was thereto affixed by authority of the By-Laws of said Company, and that he signed said Power of Attorney as Assistant Secretary of said Company by like authority, and that he is acquainted with George McClellan and knows him to be the Assistant Vice-President of said Company, and that the signature of said George McClellan subscribed to said Power of Attorney is in the genuine handwriting of said George McClellan and was thereto subscribed by authority of said By-Laws and in deponent's presence

Notarial Seal



Acknowledged and Sworn to before me
on the date above written

Notary Public

CERTIFICATION

PATRICIA RYAN

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires December 11, 1983

STATE OF NEW JERSEY
County of Somerset

SS.

I, the undersigned, Assistant Secretary of the **FEDERAL INSURANCE COMPANY**, do hereby certify that the following is a true excerpt from the By-Laws of the said Company as adopted by its Board of Directors on March 11, 1953 and most recently amended March 11, 1983 and that this By-Law is in full force and effect

ARTICLE XVIII

Section 2. All bonds, undertakings, contracts and other instruments other than as above for and on behalf of the Company which it is authorized by law or its charter to execute, may and shall be executed in the name and on behalf of the Company either by the Chairman or the Vice-Chairman or the President or a Vice-President, jointly with the Secretary or an Assistant Secretary, under their respective designations, except that any one or more officers or attorneys-in-fact designated in any resolution of the Board of Directors or the Executive Committee, or in any power of attorney executed as provided for in Section 3 below, may execute any such bond, undertaking or other obligation as provided in such resolution or power of attorney.

Section 3. All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the Vice-Chairman or the President or a Vice-President or an Assistant Vice-President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed.

I further certify that said **FEDERAL INSURANCE COMPANY** is duly licensed to transact fidelity and surety business in each of the States of the United States of America, District of Columbia, Puerto Rico, and each of the Provinces of Canada with the exception of Prince Edward Island, and is also duly licensed to become sole surety on bonds, undertakings, etc., permitted or required by law.

I, the undersigned Assistant Secretary of **FEDERAL INSURANCE COMPANY**, do hereby certify that the foregoing Power of Attorney is in full force and effect.

Given under my hand and the seal of said Company at Warren, N.J., this 11th day of April 19 85

Corporate Seal



Assistant Secretary